

E-filed 1/29/07

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

CASE NO. CR-05-00775-JR/RS

Plaintiff,

v.

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE
HEARING**

CATHERINE ANN McMURRY,

Defendant,

Current Date: February 7, 2007

Proposed Date: March 14, 2007

It is hereby stipulated by and between the parties herein that the hearing currently set for February 7, 2007, be continued to March 14, 2007. Defendant's motion shall be due no later than February 14, 2007. Plaintiff's opposition shall be due no later than March 7, 2007.

The parties further stipulate that the period of time from February 7, 2007, through and including March 14, 2007, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. section 3161 et seq., pursuant to Title 18, United States Code, Section 3161 (h)(8)(A), considering the factors set forth in Section 3161(h)(8)(B). The ends of justice served by this continuance outweigh the best interests of the public and the defendant in a speedy trial for the following reason: the additional time is needed for the effective preparation of defense counsel for pretrial motions, taking into account the exercise of due diligence.

1 Dated: January 24, 2007

UNITED STATES ATTORNEY'S OFFICE

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3 By : /s/ Shawna Yen

4 SHAWNA YEN
Attorneys for Plaintiff, USA

5 (Shawna Yen consented to Vittoria M. Bossi signing this document on her behalf.)
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9 Dated: January 24, 2007

CLAIR & BOSSI, RLLP

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11 By: /s/ Vittoria M. Bossi

12 VITTORIA M. BOSSI
Attorneys for Catherine Ann McMurry
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16 **ORDER**
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18 Pursuant to the stipulation,

19 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the hearing currently set
20 for February 7, 2007, be continued to March 14, 2007, at 9:00 a.m. in Courtroom 3. Defendant's
21 motion will be due by February 14, 2007. Plaintiff's opposition shall be due no later than March
22 7, 2007.

23 IT IS FURTHER ORDERED that the period of time from February 7, 2007, through and
24 including March 14, 2007, shall be excluded from the period of time within which trial must
25 commence under the Speedy Trial Act, 18 U.S.C. section 3161 et seq., pursuant to Title 18,
26 United States Code, section 3161 (h)(8)(A), considering the factors set forth in Section
27 3161(h)(8)(B). The Court finds that the ends of justice served by this continuance outweigh the
28 best interests of the public and the defendant in a speedy trial for the following reason: the

1 additional time is needed for the effective preparation of defense counsel for pretrial motions,
2 taking into account the exercise of due diligence.

3 For the foregoing reasons, the Court finds that the interests of justice in granting this
4 continuance outweigh the defendant's and the public's interests in a speedy trial.

5 1/26/07

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7 JUDGE JEREMY FOGEL
8 United States District Judge
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